

## **REMARKS**

This Amendment responds to the Office Action mailed on September 03, 2004. Claims 1, 2 and 6-9 have been amended. Claims 1-18 are currently pending. A diligent effort has been made to respond to each of the rejections contained in the Office Action. It is believed that this Amendment overcomes those rejections and thus places this case in condition for allowance.

### **Claims 1-9**

Claims 1-9 stand rejected under 35 USC § 103. Specifically, claims 1-2, 6 and 7 stand rejected under 35 USC § 103(a) as being unpatentable over Biggs et al (US Patent No. 5,625,407) in view of Bhola et al. (US Patent No. 6,321,252), and claims 3-5, 8 and 9 stand rejected under 35 USC § 103(a) as being unpatentable over Biggs in view of Bhola and further in view of Kenner et al. (US Patent No. 6,421,726). Applicants respectfully submit that the rejections of claim 1-9 under 35 U.S.C. 103 are improper because the Office Action fails to make out a prima facie case of obvious. Nonetheless, independent claims 1 and 6 have been amended to further distinguish them from the prior art of record in order to expedite prosecution of the present application. Claims 2 and 7-9 have also been amended for clarity.

Independent claims 1 and 6, as amended, are patentably distinct from the cited references. Among other distinctions, the cited references, either alone or in combination, do not disclose, teach, suggest or motivate a plurality of geographically-dispersed reflectors that are each configured to service one or more client machines based on a network proximity between the reflector and the client machine, and that are configured by a controller for the purpose of routing audio/visual (AV) data between two or more client machines, as recited in amended claim 1. Similarly, the cited references do not disclose, teach, suggest or motivate the method steps of 1) using a controller to configure a plurality of geographically-dispersed reflectors to route audio/visual (AV) data between a plurality of client machines, wherein each of the reflectors is assigned to one or more of the client machines based on a

network proximity between the reflector and the client machine; or 2) transmitting AV data between the plurality of client machines using the configured reflectors, as recited in amended claim 6.

As stated in the specification, the use of a plurality of geographically-dispersed reflectors minimizes the network resources necessary to carry out a VC session. The plurality of reflectors are configured by a controller (e.g., a video accessing point) to route the AV signals to and from the client machines participating in the VC session. The use of a plurality of configured reflectors that share the network routing function helps to avoid the "bottleneck" problem that may occur in video conferencing systems that transfer all of the A/V signals through a central control point. (See, Background section, pages 2-3). Also, network proximity between the reflector and the client machine helps to provide the best possible network performance for the client machines participating in the VC session. Significantly, each of the references cited in the Office Action's rejections of claim 1 and 6 includes a single central control point through which all data is routed, similar to the known systems described in the "Description of the Related Arts" section of the present application. Specifically, the Bhola reference (US 6,321,252) describes a single reflector 180 that receives one or more media streams, from one or more clients, and multicasts the media streams to all clients. (See, Bhola, col. 4, lines 10-2). Similarly, the Biggs reference (US 5,625,407) describes a single high level multimedia server (MMS 102) that selectively routes multimedia electronic signals to and from endpoint devices in order to implement a multimedia conference. (See, Biggs, col. 9, lines 29-43). Neither of the Bhola or Biggs references recognizes the benefit of using a plurality of geographically-dispersed reflectors, as recited in amended claims 1 or 6. For at least this reason, Applicants submit that amended claims 1 and 6 are patentable over the cited Bhola and Biggs references.

As detailed above, Applicants submit that none of the cited references disclose or render obvious the limitations recited in amended claims 1 and 6 regarding "a plurality of geographically-dispersed reflectors." Applicants note, however, that at page 4 of the Office Action, the Examiner makes the following unsubstantiated conclusion:

Reflectors are servers that manage the distribution of audio and video streaming over the Internet. They [reflectors] can be cascaded and scaled to handle increased demand for a broadcast. Multimedia streams are replicated at each reflector and delivered to multiple receivers. By simply adding more reflectors, a broadcast is capable of supporting large numbers of clients.

Applicants are unclear how (if at all) the above statements from the Office Action regarding "cascaded" reflectors apply to any of the original claims. Moreover, Applicants do not contend that this conclusion applies to the "plurality of geographically-dispersed reflectors" recited in amended claims 1 and 6. However, if the Examiner intends to rely on such a statement to support a rejection of amended claims 1 and 6 under 35 USC § 103, then Applicants respectfully request that documentary evidence in support of such assertions of obviousness be provided in the next Office Action, in accordance with MPEP 2144.03(C).

For at least the reasons stated above, Applicants submit that claims 1 and 6, as amended, are patentably distinct from the prior art of record, and are thus in condition for allowance. In addition, claims 2-5 and 7-9 are each ultimately dependent on one of claims 1 or 6, and are therefore also in condition for allowance.

#### **Claims 10-12**

Claim 10-12 stand rejected under 35 USC § 103. Specifically, claim 10 stands rejected under 35 USC § 103(a) as being unpatentable over Biggs et al (US Patent No. 5,625,407) in view of Bhola et al. (US Patent No. 6,321,252), and claims 11-12 stand rejected under 35 USC § 103(a) as being unpatentable over Biggs in view of Bhola and further in view of Kenner et al. (US Patent No. 6,421,726). Applicants respectfully submit that the rejections of claim 10-12 under 35 U.S.C. 103 are improper and must be withdrawn because the Office Action fails to make out a prima facie case of obvious.

In order to establish a prima facie case of obvious under 35 U.S.C. § 103, three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine

reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (MPEP 706.02(j), with emphasis added). The Office Action makes no attempt to show correspondence between the cited references and the claim limitations, and thus fails to satisfy the third criteria for establishing prima facie obviousness under 35 U.S.C. § 103. For example, the rejection of claim 10 set forth at paragraph 3 of the Office Action makes no attempt to show how either of the cited Biggs or Bhola references perform the claimed method steps of "evaluating the performance of audio/visual processors over the network implementing the VC session" or "downloading the audio/visual processor to each participant of the VC session based on the audio/visual processor evaluation." For at least this reason, Applicants submit that the rejection of independent claim 10 is improper and must be withdrawn.

Moreover, Applicants further submit that proper rejections of claims 10-12 under 35 USC § 103 could not be made because the rejected claims are patentably distinct from the cited references. Independent claim 10 recites a method for distributing an audio/visual processor to a client machine that includes the steps of "evaluating the performance of audio/visual processors over the network implementing the VC session" and "downloading the audio/visual processor to each participant of the VC session based on the audio/visual processor evaluation." An example of these claimed method steps is described in the application's specification with reference to Figure 2, as follows:

FIG. 2 is a schematic diagram of a downloadable VC client 56 operating within a browser program 52 at one of the client machines 50. The VC client 56 is a software program that operates within a VC session client container module 54. The VC client 56 is retrieved from the server 10 (and/or some other component in the system) prior to establishing the connection between the client machine 50 and the VAP 30...

Another advantage of this method is that the server 10, may analyze the network 24 through which A/V signals 44 are passed in order to determine the most appropriate set of parameters of the VC client 56, thus tuning it for a particular group of participants. The tuned parameters of the VC client 56 may have characteristics that optimize the particular structure of the network 24 through which the A/V signals 44 are passed. Typically, such adjustable parameters would specify a quality level of video and audio captured by the client machine 50. Such parameters may include a video resolution and frame rate, a sampling rate of an audio stream, a

maximum transmission rate of A/V signals 44, as well as other settings which may affect the performance of the client machine 50 and an overall quality of the audio-visual communication. Also, by analyzing over the network 24 a processing capacity of the client machine 50 the server 10 may determine certain specific features of the client machine 50 (e.g., a hardware platform and operating system) and enable built-in optimizations in the VC client 56 for that particular platform. (Detailed Description of the Drawings, pages 14-15).

Even a cursory review reveals that the cited Biggs and Bhola references do not disclose anything similar to these claim elements. Therefore, independent claim 10 is patentably distinct from the Biggs and Bhola reference and is in condition for allowance. Claims 11 and 12 each depend from claim 10, and are thus also in condition for allowance.

### **Claims 13-16**

Claim 13-16 stand rejected under 35 USC § 103(a) as being unpatentable over Bhola et al. (US Patent No. 6,321,252) in view of Kenner et al. (US Patent No. 6,421,726). Applicants respectfully submit that the rejections of claim 13-16 under 35 U.S.C. 103 are improper and must be withdrawn because the Office Action fails to make out a prima facie case of obvious.

The Office Action makes no attempt to show correspondence between the cited references and the language of the claims, and thus fails to satisfy the third criteria for establishing prima facie obviousness under 35 U.S.C. § 103. With regard to independent claim 13, not only does the Office Action fail to relate the language of the claim to any specific elements from the cited art, but the description of the cited art presented in the Office Action has no apparent connection to the claims. For instance, the Office Action acknowledges that the Bhola patent does not disclose the step of generating a digital ticket, and relies on the combination of the Bhola patent and the Kenner patent to allegedly show this claim element. However, the Office Action's description of the Kenner patent appears to be wholly unrelated to a digital certificate. Indeed, the Office Action does nothing more than describe system elements (e.g., a configuration utility 34, a client program 36, CODECS 110-114, etc.) of the Kenner reference, with no explanation of the relevance to the claim language of the rejected claims. Thus, the

Applicants are forced to guess at the reasons for the rejections and the relevance of the recited structure to the limitations of the claims. Applicants therefore submit that the rejections of pending claims 13-16 fail to make out a prima facie case of obviousness under 35 U.S.C. § 103, and must be withdrawn.

Moreover, Applicants further submit that proper rejections of claims 13-16 under 35 USC § 103 could not be made because the rejected claims are patentably distinct from the cited references. Independent claim 13 recites a method for delivering a ticket to a participant participating in an online event that includes the steps of "generating a digital ticket for each of the participants on the list such that the ticket includes a reference to the time, date, and controller" and "distributing the digital ticket to each participant." An example of these claimed method steps is described in the application's specification with reference to Figure 1, as follows:

The server 10 creates a digital "ticket" for each participant to use in order to access a VC session. Each ticket specifies the date, time, duration and session assignment of the VC session. Using this ticket, the client machine 50 is directed to the VAP 30 that is conducting the VC session and a reflector 40 for receiving and sending A/V signals 44. Each participant in each VC session can thus have a one-time ticket that allows that user to participate in that particular VC session. Similarly, if the participant was invited to participate in a lecture series, for example, then the participant may be issued an event pass that allows the participant to participate in all of the VC sessions associated with the lecture series. The event pass includes a plurality of digital tickets so that the participant has access to all of the VC sessions within the event. Using the digital ticket allows a participant access to a VC session without requiring the login process 12 to query the participant. (Detailed Description of the Drawings, pages 8-9).

The Kenner reference does not disclose anything similar to the claimed method steps regarding the generation and distribution of a digital ticket. Rather, the Kenner reference describes a system for optimizing distribution of Internet web content by providing and directing users to mirror sites. (See, Kenner, col. 5, line 63- col. 7, line 46). Moreover, the Office Action's description of the Kenner reference completely fails to set forth a comprehensible explanation of how the Kenner reference allegedly teaches or suggests such method steps. Therefore, Applicants contend that independent claim 13 patentably

distinct from the Bhola and Kenner references and is in condition for allowance. Claims 14-16 each depend from claim 13, and are thus also in condition for allowance.

### **Claims 17-18**

Finally, claims 17 and 18 stand rejected under 35 USC § 103(a) as being unpatentable over Bhola et al. (US Patent No. 6,321,252) in view of Kenner et al. (US Patent No. 6,421,726). Applicants respectfully submit that the rejections of claim 17 and 18 under 35 U.S.C. 103 are improper and must be withdrawn because the Office Action fails to make out a prima facie case of obvious.

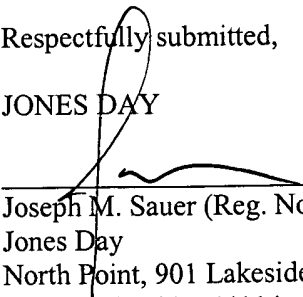
Again, the Office Action makes no attempt to show correspondence between the cited references and the language of the claims, and thus fails to satisfy the third criteria for establishing prima facie obviousness under 35 U.S.C. § 103. For example, with regard to independent claim 17, the Office Action makes no attempt to show any specific elements from the cited art that correspond to the claimed video display that "simultaneously displays each visual signal from each participant of the plurality of participants." Applicants therefore submit that the rejections of claims 17 and 18 fail to make out a prima facie case of obviousness under 35 U.S.C. § 103, and must be withdrawn. Moreover, claim 17 is patentably distinct from the cited Bhola and Kenner references because, among other distinctions, neither reference teaches or suggests an audio/visual viewer having a video display, as recited in claim 17. Applications therefore submit that claim 17 is in condition for allowance. Claim 18 depends from independent claim 17, and therefore is also in condition for allowance.

### **Conclusion**

For the foregoing reasons, Applicants respectfully submit that claims 1-18 are in condition for allowance. The Examiner is, therefore, respectfully requested to enter this Amendment and pass this case to issue.

Respectfully submitted,

JONES DAY



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Joseph M. Sauer (Reg. No. 47,919)

Jones Day

North Point, 901 Lakeside Avenue

Cleveland, Ohio 44114

(216) 586-7506